

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 775 of 2007()

AGAINST THE ORDER DATED 02/12/2006 IN IA.NO.9958/2006 IN
OS.1932/1990 of III ADDL.M.C.EKM (RENT CONTROL)
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REVN. PETITIONER: PETITIONERS/PETITIONERS/PLAINTIFFS

1. ABNU C. VETTATH, S/O.VARKEY VETTATH,
FLAT NO.94, KAIRALI APARTMENTS,
PANAMPILLY NAGAR, KOCHI- 682 036 (DIED).
2. MARIYAMMA ABNU, AGED 69 YEARS,
W/O.ABNU C. VETTATH, FLAT NO.94,
KAIRALI APARTMENTS, PANAMPILLY NAGAR,
KOCHI-682 036.
3. GEORGE A. VETTATH, AGED 45 YEARS,
S/O.ABNU C. VETTATH, FLAT NO.94,
KAIRALI APARTMENTS, PANAMPILLY NAGAR,
KOCHI-682 036.
4. THOMAS A.VETTATH, AGED 41 YEARS,
S/O.ABNU C.VETTATH, FLAT NO.94, KAIRALI APARTMENTS
PANAMPILLY NAGAR, KOCHI-682 036.
5. SUSAN PLATTO ALIAS, AGED 49 YEARS,
D/O ABNU C. VETTATH AND W/O. DR.K.I.PLATTO,
KULANGARA HOUSE, CHURCH ROAD, NORTH PARAVUR,
PIN- 683 513.
6. ELIZABETH ALEXANDER,
FLAT NO.94, KAIRALI APARTMENTS,
PANAMPILLY NAGAR, KOCHI- 682 036.

BY ADV. SRLP.GEORGE WILLIAM
SRI.ABEY TOM
SRI.K.A.SHAJI MATHEW

RESPONDENTS: RESPONDENTS/DEFNDANTS

1. V.EAPEN MATHAI, AGED ABOUT 60,
S/O.LATE V.J.MATHAI, VETTATH HOUSE,
RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20.

2. JOHN MATHAI VETTATH,
AGED ABOUT 63 YEARS, S/O.LATE V.J.MATHAI,
RESIDING AT 76, GIRINAGAR, KADAVANTHRA,
KOCHI-20 (DIED).
3. MARIYAMMA ALIAS KOCHUMARIYAMMA,
AGED ABOUT 80 YEARS, S/O.LATE V.J.MATHAI,
VETTATH HOUSE, RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20 (DIED).
4. ELIZABETH JOHN VETTATH,
AGED ABOUT 65 YEARS,
W/O.JOHN VETTATH, 'VIJAYAN', V-85, VTH AVENUE,
ANNA NAGAR, CHENNAI- 600040.
5. MATHAI JOHN VETTATH, AGED ABOUT 42 YEARS
S/O.JOHN VETTATH, RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20.
6. EAPEN JOHN VETTATH, AGED ABOUT 39 YEARS,
S/O.JOHN VETTATH, RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20.
7. GEORGE JOHN VETTATH,
AGED ABOUT 36 YEARS,
S/O.JOHN VETTATH, RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20.
8. MRS.MARY THOMAS, AGED ABOUT 33 YEARS,
D/O.JOHN VETTATH, RESIDING AT 76, GIRINAGAR,
KADAVANTHRA, KOCHI-20.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 775 OF 2007

Dated this the 20th August, 2007.

O R D E R

This revision petition is preferred against the order of the III Additional Munsiff, Ernakulam in I.A.9958/06 in O.S.1932/90. The learned counsel for the revision petitioner would submit that he moved an application for impleadment of additional defendants 4 to 8 in the suit. Notice was ordered and they remained ex parte. There was also a connected case where also the same impleadment application was filed but the court allowed the application and ordered notice. Therefore, when an application for amendment was moved in the other case it was allowed. But in this case there is a practical difficulty. The court should have bestowed its attention before final disposal of the matter. The court is now right in holding that it cannot implead parties after disposal of the matter. But at the same time the plaintiff need not be put into trouble for no fault of his. There was a duty cast upon the court as well to dispose of the impleading application before finally disposing of the matter. The court was aware of this fact because in the joint trial suit the petition was allowed. So in order to avoid unnecessary difficulty to the parties, I direct the court below to entertain a review

application, if it is filed of course with notice to the respondents 4 to 8 and thereafter correct the judgment because it will be an error apparent on the face of the record which the court is bound to correct especially in the light of them being in the party array in the suit where joint trial is allowed and disposed of. With this liberty to the revision petitioner this C.R.P is dismissed and I also direct the court below to consider sympathetically the time lag that has occasioned for filing the review application because it is a matter the court should have done before disposing of the application.

M. N. KRISHNAN
Judge